

COALITION FOR THE INTERNATIONAL CRIMINAL COURT

TOGETHER FOR JUSTICE

KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

11 - 15 APRIL 2011

Situation Case	Democratic Republic of Congo 01/04-01/07 The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui	<u>Germain Katanga</u> : born 1978 in Mambassa, Ituri district, Eastern Province; National of the DRC; Alleged commander of the Force de résistance patriotique en Ituri (FRPI).
Hearing: Chamber:	Trial Proceedings Judge Bruno Cotte (Presiding Judge), Judge Fatoumata Dembele Diarra, Judge Christine van den Wyngaert	<u>Mathieu Ngudjolo Chui</u> : born 1970 in Bunia, Ituri district, Eastern Province; National of the DRC; Alleged former leader of the Front des nationalistes et intégrationnistes (FNI).
Parties:	OTP: Mr Eric McDonald, Mr Garcia, Ms Dianne Luping, Mr Gilles Dutertre and team; Defence Mr Katanga: Mr. David Hooper, Mr. Andreas O'Shea and team; Defence Mr Ngudjolo: Mr. Jean-Pierre Kilenda Kakengi Basila, and team;	Alleged crimes: <u>Germain Katanga and Mathieu Ngudjolo Chui</u> allegedly jointly committed, through other persons: <ul style="list-style-type: none">o Crimes against humanity: Murder, sexual slavery and rape;o War crimes: Using children under the age of 15 to take active part in hostilities; deliberately directing an attack on a civilian population as such or against individual civilians not taking direct part in hostilities; willful killing; destruction of property; pillaging; sexual slavery; rape.
Participants	365 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	
Start of Trial:	24 November 2009	

This week, **Witness 236 (2nd witness for the Defence of Germain Katanga)**, continued giving testimony.

Witness 236, Mr. Njabu Gabu Floribert, was the national president of the FNI¹ prior to his arrest in 2005. The witness has been detained in the DRC for the last six years.

11 and 12 April 2011 - No hearing

13 April 2011 - The Prosecution continued its cross-examination of witness 236.

During its cross-examination by the Prosecution, the witness provided insight on:

- **Internally displaced persons in Beni:** the witness testified that in the autumn of 2002 refugees were coming to Beni from Bunia, Mongwalo and other places.
- **Administration of Ituri:** the witness testified that 'FIPI' was created in order to

¹ *Front des Nationalistes et Intégrationnistes* ('FNI'). English: The Nationalist and Integrationist Front. Is a Lendu rebel group active in the Ituri conflict in Ituri, Democratic Republic of the Congo, of which Mr. Ngudjolo Chui was the alleged leader.

This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. Please do not forward without prior consent from CICC staff.

replace the presence of the UPC² administration of Ituri, although it never actually functioned. On 10 February 2003 a meeting was held in Dar-a-salaam, and its primary goal was to form a Pacification Committee (in accordance with the Luanda Agreement previously signed). The witness, could not confirm whether at that meeting the Ugandan authorities had stated they would withdraw their troops from Ituri.

- **Attempts to Create an FNI Armed Wing:** a Ceasefire Agreement was signed on 18 March 2003. The witness testified that it was only after the Agreement was signed, that he tried to form an armed branch to the FNI. The witness indicated he had tried to recruit members of the FRPI, including Mr. Katanga and Mr. Ngudjolo, but that his attempts were unsuccessful.

14 April, 2011 - The Prosecution concluded its cross-examination of witness 236, and the Chamber began presenting its questions to the witness.

During its cross-examination by the Prosecution, the witness provided insight on:

- **Collaboration between the FRPI and the FNI in Bogoro:** the witness testified that the FRPI and the FNI did not work together. They were not collaborating at that time, and they did not attack Bogoro. The witness could not confirm whether Mr. Ngudjolo had participated in the Bogoro attack or not.

During questions presented by the Chamber, the witness provided insight on:

- **The Meeting with the Ugandan President as a Background to the Creation of the FNI:** the witness testified that in October or November 2002 he had left with a delegation representing the prominent figures of the Lendu community in Pandroma to meet Ugandan President Museveni. The witness indicated this trip was initiated because at that time the Pandroma area was facing two kinds of threat: one was the advancement of the UPC in the region; the other was the Ugandan presence in its vicinity.
- **Recruiting and Mobilizing Soldiers:** the witness confirmed that there were attempts to recruit soldiers, but indicated that there was not an actual mobilization policy. Some soldiers joined the FNI, but these were mostly low-ranking soldiers. The witness testified that the FNI had attempted to establish a military wing at some point, but that was only after the signing of the ceasefire agreement in Bunia in 2003.
- **Target Selection in Ituri:** the witness testified that in addition to supplying arms and ammunition, the EMOI³ of the Kinshasa Government had also commanded the strategic planning of operations in Ituri, target selection, and participated in military operations on the ground. The witness was not however able to confirm whether Bogoro was a target for EMOI.

² The *Union des Patriotes Congolais*, (UPC). English: The Union of Congolese Patriots was an armed Hema rebel group active in the Ituri conflict in the northeastern Democratic Republic of the Congo.

³ Etat-Major Opérationnel Intégré (EMOI). In English: The 'Integrated Operational Head Command'.

15 April, 2011

The Defence teams of Mr. Katanga and Mr. Ngudjolo presented their questions subsequent to the questioning by the Chamber to witness 236.

During the Defence of Mr. Ngudjolo's questioning, the witness provided insight on:

- **Attempts to Create a Military Wing:** the witness testified that between 20 November 2002 and 18 March 2003 the FNI did not have a military wing. Only after the signing of the cessation of hostilities agreement, the witness has made attempts to form one. The witness further indicated that at that same period of time before the signing of the cessation of hostilities agreement, the FNI did not have any active soldiers fighting in Ituri.
- **The Context of the Conflict:** the witness indicated that the context of the war in Ituri was not an inter-ethnic one. The war was led against the UPC as a political group, and not against the Hema community. The witness then emphasized that the attack on Bogoro was aimed at the UPC, which had a strong hold in Bogoro at the time, and not against the Hema civilian population.

During the Defence of Mr. Katanga's subsequent questioning, the witness provided insight on:

- **Timeline of Events:** the witness indicated that he had joined the RCD-Kisangani (one of the fractions that were created as a result of the split, when the RCD had broken down into different fractions). It was only after the witness had joined the party, that the name was changed to RCD-KML.⁴ On 15 January 2001, the RCD-KML and MLC had formed an alliance which was named the FLC. The FLC eventually did not survive, but the RCD-KML carried on. The witness was a member of the RCD-KML. In the period just before the fall of Lopondo, he was responsible for collecting low-level intelligence and forwarding the information to Governor Lopondo. The witness indicated that after the meeting in Hotel Casino he had left Beni was not a member of the FRPI. However, he was still a member of the RCD-KML until he became part of the FNI. The witness then indicated that even before the signing of the ceasefire agreement, the FNI had tried to establish some sort of an alliance with the FRPI.
- **Links between the RCD and the UPC:** The witness indicated that the UPC was at first part of the RCD, and Thomas Lubanga had acted as its Minister of Defence. However, when Mr. Lubanga began appointing commanders, the Nbusa camp within the RCD army contested. Following this evident animosity, the RCD army had split. Those who parted from the RCD army were referred to as "the mutineers". These mutineers later joined Thomas Lubanga's UPC.

Witness 228 will begin his testimony on Monday 18 April.

⁴ The RCD-Kisangani-Movement for Liberation (RCD-K/ML) now known as The Forces for Renewal (French: *Forces du Renouveau*) is a political party in the Democratic Republic of Congo. The party originated as a breakaway faction of the rebel Rally for Congolese Democracy (RCD).